

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Oregon Regional Primate Research Center  
Attn: Jay W. Castle  
505 NW 185th Avenue  
Beaverton, OR 97006

Deposited on Behalf of: Oregon Regional Primate Research Center

Identification Reference by Depositor:

ATCC Designation

Rhesus Kaposi's sarcoma-associated herpesvirus RhKSHV strain 17577 VR-2601

The deposit was accompanied by: \_\_\_ a scientific description \_\_\_ a proposed taxonomic description indicated above.

The deposit was received March 12, 1998 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested August 3, 1998. On that date, the culture was viable.

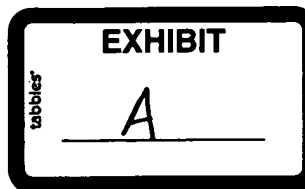
International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: August 20, 1998

cc: David Earp, Ph.D.



**Budapest Treaty Deposits**  
**American Type Culture Collection**

10801 University Blvd., Manassas, VA 20110-2209 Tel. (703) 375-2700: Fax (703) 365-2745

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF BUDAPEST TREATY ON THE  
INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE  
PURPOSES OF PATENT PROCEDURE

**ALL QUESTIONS MUST BE COMPLETED. PLEASE USE ONE FORM PER EACH STRAIN DEPOSITED.**

1. Name of deposit. (If microorganism, complete scientific name including genus and species and source of material; If virus, name and whether or not plant or animal and source including geographic location; If cell line, provide tissue & species, geographical source of isolation and any known hazards associated (e.g. HIV, EBV, etc.); if genetic materials, name of organism from which vector, clone or library is derived, source of the DNA insert identified by species (e.g. human, mouse) or scientific name and provide name of gene and identity of the host organism.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Strain designation (i.e., number, symbols, etc). \_\_\_\_\_  
**\*The strain designation must correspond with the vial labels.**
  
3. Is this an original deposit under the Budapest Treaty? \_\_\_\_\_
  
4. Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty? If so, please indicate ATCC designation. \_\_\_\_\_
  
5. Is this deposit a mixture of microorganisms or cells? \_\_\_\_\_
  
6. Provide details necessary to cultivate, test for viability and store deposit. If mixture, provide description of components and a method to check presence. (If plasmid, provide name of host & antibiotic resistance). \_\_\_\_\_  
\_\_\_\_\_
  
7. Provide sufficient description so that ATCC may confirm deposit properties (e.g., Gram negative rod). \_\_\_\_\_  
\_\_\_\_\_  
  - a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? If so, please list the antibiotics. \_\_\_\_\_  
\_\_\_\_\_
  - b. If deposit is hybridoma, what is the isotype of antibody produced? \_\_\_\_\_
  
8. Is this strain hazardous to humans? \_\_\_\_\_, animals? \_\_\_\_\_, plants? \_\_\_\_\_. If yes, what is the recommended biosafety level for working with this strain \_\_\_\_\_. (Ref. Guidelines for Research Involving Recombinant DNA Molecules, NIH Guidelines, January 1996) ([www.nih.gov/od/orda/toc.htm](http://www.nih.gov/od/orda/toc.htm))
  
9. **Availability:** Prior to issuance of a U.S. Patent, ATCC will only make a culture available as instructed by the depositor or relevant patent office. Samples **must** be provided to a specific investigator if a pertinent patent office under the Budapest Treaty instructs ATCC to do so. The following questions **must** be answered.  
  - a. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit made available to anyone who requests a culture? If yes, there are no restrictions on distribution. Yes \_\_\_\_\_ No \_\_\_\_\_
  - b. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit made available to requesters which satisfy Patent Offices in countries **not** signatory to the Budapest Treaty?  
If "yes," please state which countries below. Yes \_\_\_\_\_ No \_\_\_\_\_  
\_\_\_\_\_

**Please note** that if you are converting your deposit to meet the requirements of the Budapest Treaty, and your deposit has already been released for distribution due to the issuance of a U.S. Patent, you **cannot** restrict it from further distribution.

After a U.S. Patent issues, and we are so notified, ATCC makes the culture available to anyone who requests it, as allowed under U.S. Patent and Trademark Office Rules and Regulations (37 CFR § 1.808 [a][2]).